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FLORIDA RESTAURANT ASSOCIATION



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ISSUES OF



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AND SMOKERS
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OSHA Expected to Act on Proposed Workplace Smoking Restrictions

It's been more than two years since the Occupational Safety and Health Administration (OSHA) first unveiled its unprecedented plan to regulate smoking in the nation's workplaces. And while many business owners may have taken a "too new is good news" attitude about the threatened new regulations, OSHA Director Joseph Dear has indicated that action on the smoking issue could come in the next few weeks.

While it remains to be seen how OSHA plans to proceed, it's a safe bet that any federally-mandated smoking regulation will have a dramatic and negative impact on the nation's hospitality industry.

As proposed, OSHA would virtually ban smoking from all workplaces, including restaurants, bars, hotels/motels, casinos, bowling centers and billiard parlors. Business owners would be allowed to construct separate, enclosed rooms exhausted to the outside and operated under negative pressure, but at a cost that could easily run into the tens of thousands of dollars -- not an option for most small business owners.

Even if a business owner had the financial means to construct such a room, it would not be a viable solution, because OSHA would prohibit employees from servicing the room during use.

Sound extreme? You bet. In fact, hospitality business owners have been among the most vocal critics of the OSHA proposal. Representatives of the restaurant, casino, hotel/motel, tavern and billiard industries were among the hundreds of witnesses who travelled to Washington, D.C. to testify during the hearing phase of OSHA's public review period.

"Smoking bans in restaurants cause decreases in revenue to the restaurants," Bob Jacobs of the San Francisco Hotel Association told OSHA administrators when he testified before the agency in

October, 1994. "Smoking bans in restaurants cause customers to stay at home or not stay as long at the restaurants when eating out."

In fact, the National Restaurant Association testified that the nation's foodservice industry could lose as

much as \$18.2 billion annually if OSHA's plan is implemented.

"Most restaurants are small or independent operations which do not have the luxury of paying people to post notices, fill out forms, appoint air-quality officers, or do much of anything which does not bring customers in the door," current NRA President William Navler told the 1994 OSHA panel.

Whether or not OSHA will take these concerns into consideration as it evaluates its workplace smoking proposal remains to be seen. At the very least, it promises to be an interesting fall for hospitality industry business owners. □

Hospitality Industry Would Pay the Price of OSHA-Mandated Smoking Regulation

What exactly would an OSHA-mandated smoking policy mean for the nation's hospitality industry?

Consider the following:

• **OSHA's proposal** would permit business owners to install specially-designed "smoking rooms." In its proposal, OSHA estimated that the cost of constructing such a room would range from \$4,000 to \$25,000. However, more realistic estimates range from \$11,500 to \$100,400, with the average cost being \$70,000.

• **Even if a business owner** could afford to build a smoking room that satisfied OSHA's requirements, the agency would not allow employees to service customers in the smoking room.

• **Violators could face fines** of tens of thousands of dollars. Any business owner found to be in violation of the regulations, could face a federally-mandated fine of up to \$70,000.

• **Business owners would be responsible** for violations of the new smoking policy. So in addition to the dozens of other federal, state and local regulations owners must contend with, and in addition to the day-to-day responsibilities of running a business, owners would also wear a new hat -- "smoke police."

• **The National Restaurant Association** testified during the hearing phase of the OSHA comment period that implementation of OSHA's proposed rule could cause the foodservice industry to lose \$18.2 billion annually.

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